

## REMARKS

Claim 1 has been amended in the interest of clarification. See, for example, page 3, lines 20-24, and page 10, line 27- page 11, line 1.

Claim 2 has been amended to limit it to production of a product as defined by claim 1.

Regarding section 1 of the office action, contrary to the Examiner's remarks, applicants did traverse the restriction as between groups I and III. The restriction between groups I and II was not traversed. See applicants' petition filed February 12, 2010. Also, by the present amendment, claim 2 has been linked to claim 1 and, therefore, should be rejoined.

The Abstract is amended responsive to section 3 of the office action.

The rejection of claims 1, 3-5, 8 and 9 for obviousness over Kurata et al (JP 2000-212892) in view of Nishijima et al (JP 10-310996) is respectfully traversed. Neither Kurata et al nor Nishijima et al disclose or suggest a calcium carbonate in the form of aggregates (secondary particles), each aggregate consisting of spindle-shaped primary particles. At page 4 of the office action the Examiner correctly characterizes Kurata et al as disclosing "such a coating composition is composed of a spindle-shaped precipitated calcium carbonate .... in a secondary particle shape." [Emphasis of the undersigned]. See [0017] of Kurata et al (also [0011], [0012] and [0025]). While the Examiner has correctly characterized the teachings of Kurata et al, applicants are not claiming a calcium carbonate in the form of spindle-shaped aggregates (secondary particles); rather, applicants here claim a calcium carbonate product in the form of aggregates, each aggregate consisting of primary particles of spindle-shaped primary particles, having the other characteristics recited by applicants' claims, and a method of producing same. Applicants' aggregates (secondary particles) are not themselves spindle-shaped, as they have verified by SEM.

Further, even if aggregates of spindle-shaped primary particles were disclosed by Kurata et al, it would not have been obvious from the teachings of Nishijima et al to provide those hypothetical primary particles with an aspect ratio of 3.0 or more. Nishijima et al teach only how to produce such an aspect ratio in a

"needle-like or prism-like precipitated calcium carbonate," quoting from the English language abstract.

Kurata et al do not disclose how to produce any calcium carbonate particle. On the contrary, Kurata et al merely refer to the commercial source(s) of the spindle-shaped aggregates used in their paper coatings. One skilled in the art would not know how to combine (1) a method for producing spindle-shaped aggregates (whatever process is employed by the commercial sources mentioned by Kurata and (2) a process for producing a needle-like or prism-like calcium carbonate (Nishijima et al). It should be self-apparent to the Examiner, that merely combining process features could not reasonably be expected to impart the commercial spindle-shaped aggregates with the aspect ratio of a needle-like crystal. In other words, in this hypothetical the references could not properly be characterized as enabling for the product claimed here. See, for example, *In re Hoeksema*, 158 USPQ 596 (CCPA 1968).

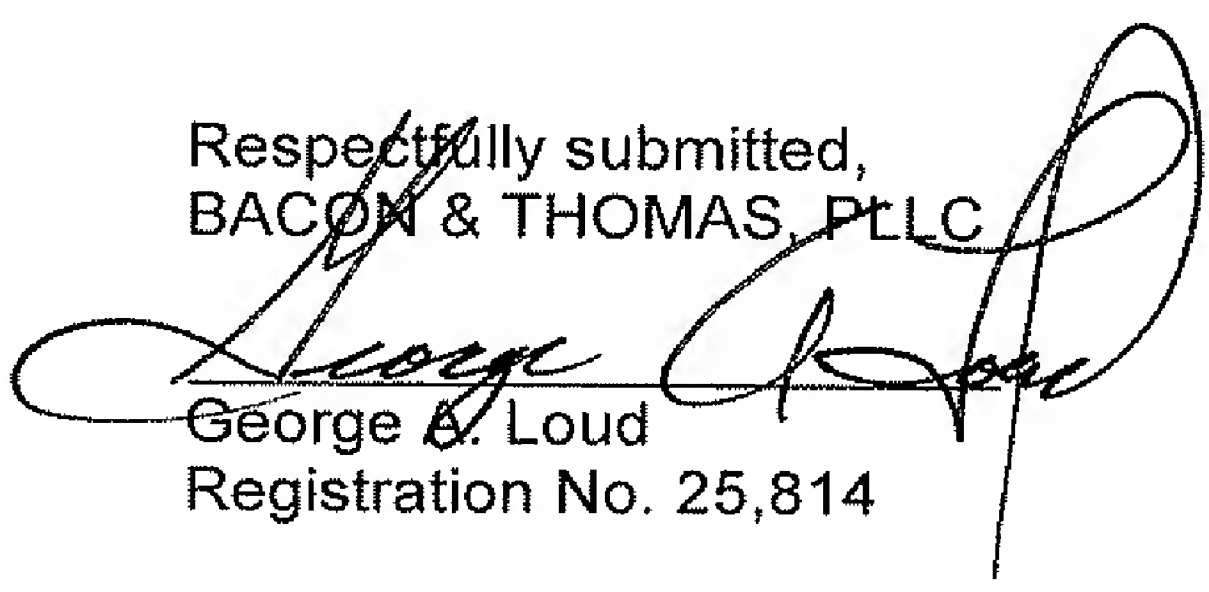
Finally the Examiner's conclusion that the other physical properties recited by applicants' claims "would necessarily follow by the combination of Kurata and Nishijima" is without logical basis because the prior art does not teach or suggest how to combine any teaching of Kurata et al as to how to make a spindle shaped aggregate (Kurata et al contains no such teaching) with Nishijima et al's teaching of a method of making a needle-like crystal, to produce anything like what is claimed here. What teaching would the methodology of Nishijima et al be combined with? How would the combination be made? Why would such a hypothetical combination be reasonably expected to produce the subject matter claimed here?

In conclusion it is respectfully requested that the Examiner rejoin the claims removed from consideration, as amended, and reconsider and withdraw the

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Respectfully submitted,  
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